

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 26913 of 2007

17.12.2007

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Between:

Smt. Sivangla Lakshmi

... Petitioner

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Home (Police) Department,
Hyderabad & others

... Respondents

Counsel for the petitioner : Sri P. Radhive Reddy

Counsel for the respondents : Assistant Government Pleader for
Home

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondent Nos. 2 and 3 in not providing protection to the petitioner and her family and not taking any action against the land grabbers/culprits pursuant to representations/complaints dated 26.11.2007 and 30.11.2007 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India.

In the affidavit filed in support of the writ petition, the petitioner has stated that on 25.11.2007, one Karri Sathi Reddy and five others along with 20 goondas came to the site belonging to M/s Coramandel Marines Pvt. Limited in which her husband was employed as

Watchman, abused them in filthy language and physically assaulted them. It is further alleged that while leaving the place, they demanded the petitioner to vacate the site, else they would kill her as also the members of her family. The petitioner further stated that the said incident was repeated on 30.11.2007. Thereupon, she made representations to the respondents to take action and give them protection.

Heard Sri P. Radhive Reddy, learned counsel for the petitioner.

A perusal of the pleadings contained in the affidavit shows that the petitioner is more interested in seeking protection to the property of which her husband is allegedly appointed as watchman. While under the provisions of the Constitution of India, the State cannot deprive a person of his right to life and property without due process of law, no further obligation is placed on the State or its functionaries to protect the property and life of every individual, because such a course is not possible having regard to the plenitude of the population. If the petitioner has a serious threat to her life and in the event the police decline to take action on the complaints filed before them, remedies are provided under the Code of Criminal Procedure to approach the jurisdictional criminal Courts with appropriate complaints. The petitioner is said to have given representations on 30.11.2007 and 03.12.2007 to different functionaries including respondent No.3 to take appropriate action against the alleged offenders. Though they are not made parties to this writ petition, I deem it appropriate to direct respondent No.3 to examine the complaints made by the petitioner in connection with the incidents that have allegedly taken place on 25.11.2007 and 30.11.2007 and take appropriate action in accordance with law.

Subject to the above, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No. 35157 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17.12.2007

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